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ATTORNEY FOR 21ST MORTGAGE CORPORATION

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

IN RE:	§	CASE NO. 15-60222
	§	
BOBBY DEAN PREWITT,	§	CHAPTER 13
200 Brentwood Circle	§	
Athens, Texas 75751	§	
SSN: xxx-xx-2992	§	
	§	
Debtor.	§	

**FIRST AMENDED MOTION FOR VALUATION**

NO HEARING WILL BE CONDUCTED ON THIS MOTION/OBJECTION/APPLICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE BANKRUPTCY JUDGE:

COMES NOW, 21<sup>st</sup> Mortgage Corporation, Movant, and files this First Amended Motion for Valuation in accordance with the Bankruptcy Rule 3012 and in support thereof would show the Court as follows:

(1) At the initiation of the Chapter 13 bankruptcy cause of action, the Debtor was in possession of certain property, which is more particularly described as follows:

A 2002 Palm Harbor Homes “Country Place” manufactured home, 18' x 76', Serial Number PH228801; HUD Label/Seal Number PFS0715875, together with all furnishings, fixtures and appliances listed in the contract.

(2) Said Debtor has continued and are now in possession of said property.

(3) The Movant is the holder of a secured claim against the Debtor.

(4) The Movant has a valid security interest in the above-stated property, to secure said indebtedness remaining on the purchase price of said property, all of which is shown by the Fixed Rate Manufactured Home Retail Installment Contract, Security Agreement, and Disclosure Statement, a true and correct copy of which is attached to Exhibit “A”.

(5) Said security interest is properly perfected on the Statement of Ownership and Location, a true and correct copy of which is attached as Exhibit “B”.

(6) The Movant is the holder of a secured claim against the Debtor and has reviewed the Chapter 13 Plan, wherein the Debtor misstates the value as \$12,000.00. The fair market value is at least \$24,104.00 per an appraisal of Hugh Harvey performed at the request of 21<sup>st</sup> Mortgage Corporation.

**WHEREFORE, PREMISES CONSIDERED,** the Movant prays that this Court grant

the First Amended Motion, order Debtor to provide for the fair market value, plus all other relief as is just and proper at law or in equity.

Respectfully submitted,

/s/Shawn K. Brady  
Shawn K. Brady  
State Bar No. 00787126

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Attorney for 21<sup>st</sup> Mortgage Corporation

**CERTIFICATE OF SERVICE**

On the 23<sup>rd</sup> day of July, 2015, a true and correct copy of the above and foregoing was delivered by ECF to the Debtor's attorney of record, Gordon Mosley, 4411 Old Bullard Rd #700, Tyler, Texas; by ECF to the Chapter 13 Trustee, John Talton, Plaza Tower, 110 N. College Ave., 12 Floor, Tyler, Texas 75702; by ECF to the United States Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, Texas 75702; and by ECF to parties requesting notice.

/s/Shawn K. Brady  
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